

REMARKS

This paper responds to the Office Action issued for the above-identified application on October 18, 2005. Claims 1, 4-13, 16 and 19-25 are pending in the instant application. Claims 1, 4-13 and 19-25 stand rejected. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim. The Applicants gratefully acknowledge Examiner's indication is the allowable subject matter.

In the Office Action claims 8, 12 and 13 are objected to because of the following informalities:

- Claim 8 depends on a cancelled claim.
- In claim 12, "incorporation" should be "incorporated."
- Claim 13 depends on itself.

In response to the above objections, the Applicants have amended claim 8 to remove the dependency on a canceled claim. Claim 12 has been amended to substitute the word "incorporation" with the word "incorporated." Claim 13 has been amended to insert reference to proper claim.

In view of the above amendments, the Applicants respectfully request the objections to claims 8, 12 and 13 be withdrawn.

In the Office Action, the Examiner rejected claims 4-7 under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the invention. Specifically, the Examiner states that the limitation "polyamine product" in claim 1 as recited in claims 4-7 lacks sufficient antecedent basis.

In response to the above rejection, the Applicants, have amended claim 1 to incorporate the limitations of claim 4. Claim 4 has been canceled. Claim 1 as amended provides antecedent basis for the rejected claims 5-7. In view of these amendments, the Applicants respectfully request the above rejection under 35 U.S.C. 112, second paragraph, be withdrawn.

In the Office Action the Examiner rejected claim 25 under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the invention. Specifically, the Examiner states that the limitation "the softening agent" in claim 24 as recited in claim 25 lacks sufficient antecedent basis.

In response to this rejection, the Applicants have amended claim 25 to eliminate the requirement for antecedent basis for the limitation "the softening agent." In view of this amendment, the Applicants respectfully request the above rejection under 35 U.S.C. 112, second paragraph, be withdrawn.

In the Office Action, rejected claims 1, 9-13, 19-21 and 23-25 under 35 U.S.C. 103(a) as being unpatentable over USP 6,730,635 to Wolf et al. in view of USP 6,740,713 to Busch et al. The Examiner states that Wolf discloses a microcapsule that has a liquid insecticidal active ingredient encapsulated within a polyamine product sleeve. The active ingredient may be present in an amount of 0 to 20% by weight of the composition. Wolf differs from the instantly claimed invention in that it does not disclose that the active ingredient is a fragrance material. The Examiner also states that Busch teaches a microcapsule product wherein the active ingredient may be a fragrance material or an insecticidal material. The active ingredient is in hydrophobic form. The final product may also include a silicone material, calcium chloride and a softening agent. The finished composition may be incorporated into a personal care product, cleaning composition or laundry composition. The Examiner further states that it would have been obvious to one having an ordinary skill in the art to modify the Wolf reference by incorporating the fragrance material into the encapsulate instead of the insecticidal as it has been recognized in the prior art that encapsulates can deliver many types of active ingredients. Moreover, one of ordinary skill in the art would be motivated to utilize the particular microcapsule of Wolf with a fragrance active ingredient because the Wolf patent teaches the advantages of prolonged release and storage, both sought after properties in the fragrance art.

In response to the above rejection, the Applicants have amended claim 1 to include additional limitations that are neither disclosed nor suggested by either Wolf et al., or Busch et al., or combination of these references. In particular, claim 1 as amended claims a polyamine product, which is a reaction product of 1H-Imidazole and an oxirane material. The above mentioned references, whether combined or taken alone, do not teach or suggest the limitation added to claim 1. The limitation added to claim 1 was originally present in the original claim 4. The Applicants respectfully point out that claim 4 was not rejected in the Office Action in view of either Wolf et al. or Busch et al. Accordingly, the Applicants respectfully request the above rejection under 35 U.S.C. 103(a) be withdrawn.


In the Office Action, the Examiner objected to claim 16 as being dependent upon a rejected base claim. The Examiner stated that the claim 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicants gratefully acknowledge Examiner's indication of the allowable subject matter. Claim 16 has been amended and rewritten in the independent form in accordance with the Examiner's suggestion.

In view of the amendments made herein, the Applicants believe that the instant application is in condition for allowance and an early and favorable action is solicited.

The Commissioner is authorized to charge any fees occasioned by this paper to the Deposit Account 12-1295.

Respectfully submitted,
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February 15, 2005